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Counsel for Cathay Life Insurance Co., Ltd Adv. Pro. No. 11-02568-CGM

Hearing Date and Time: August 10, 2022 at 10:00 a.m.

Opposition Date and Time: June 24, 2022 at 4:00 p.m.

Reply Date and Time: July 24, 2022 at 4:00 p.m.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

-v-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789-CGM

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-v-

CATHAY LIFE INSURANCE CO. LTD.,

Defendant.

Adv. Pro. No. 11-02568-CGM

**DECLARATION OF COUNSEL IN SUPPORT OF
CATHAY LIFE INSURANCE CO. LTD'S MOTION TO DISMISS THE COMPLAINT**

I, David W. Parham, hereby declare under penalty of perjury as follows:

1. I am an attorney duly licensed to practice before the Courts of the State of Texas. I am admitted *pro hac vice* to practice before the United States Bankruptcy Court for the Southern District of New York in this and related cases. I am a partner in Akerman LLP and one of the attorneys of record for Cathay Life Insurance Company Limited (“Cathay”) in the above-captioned adversary proceeding.

2. I respectfully submit this declaration in support of Cathay’s motion to dismiss the Complaint (the “Complaint”) filed by Plaintiff Irving H. Picard, Trustee, for the Liquidation of Bernard L. Madoff Investment Securities LLC (the “Trustee”) in this adversary proceeding (the “Motion”).

3. The purposes of this declaration are to: (a) place before the Court certain documents attached to this declaration, which are referred to in Cathay’s accompanying memorandum of law in support of the Motion (the “Memorandum”); (b) provide detailed calculations of the amounts sought by the Trustee in certain adversary proceedings filed in this Court as reflected in the Trustee’s various filings; and (c) request that the Court take judicial notice of certain matters and facts, pursuant to Rule 201(c)(2) of the Federal Rules of Evidence.

THE ATTACHED EXHIBITS

4. Attached hereto as **Exhibit 1** is a true and correct copy of the Complaint [ECF Adv. No. 1] filed in this adversary proceeding, with all exhibits thereto.

5. Attached hereto as **Exhibit 2** is a true and correct copy of the First Amended Complaint, without exhibits, filed by the Trustee in the matter captioned *Picard v. Fairfield Sentry Ltd.*, Adv. Pro. 09-01239 (Bankr. S.D.N.Y.) (the “Fairfield Action”), [ECF No. 23].

6. Collectively attached hereto as **Exhibit 3** are true and correct copies of the three Consent Judgments entered in favor of the Trustee and against Fairfield Sentry Limited (“Fairfield Sentry”), Fairfield Sigma Limited (“Fairfield Sigma”), and Fairfield Lambda Limited (“Fairfield Lambda”) (together, the “Fairfield Funds”), filed in the Fairfield Action, [ECF Nos. 108, 109, and 110].

7. Attached hereto as **Exhibit 4** is a true and correct copy of the Settlement Agreement, without exhibits, dated as of May 9, 2011 between the Trustee and Kenneth Kryss and Joanna Lau, as Joint Liquidators of the Fairfield Funds (the “Fairfield Settlement Agreement”), filed in the Fairfield Action, [ECF No. 69-2].

8. Attached hereto as **Exhibit 5** is a true and correct copy of the Trustee’s Twenty-Sixth Interim Report for the Period April 1, 2021 through September 30, 2021 filed in the substantively consolidated SIPA liquidation proceeding captioned *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (Bankr. S.D.N.Y.) (the “Consolidated Proceeding”), [ECF No. 20821].

9. Attached hereto as **Exhibit 6** is a true and correct copy of the Second Amended Complaint (the “Fairfield Second Amended Complaint”) filed in the Fairfield Action, [ECF No. 286].

10. Collectively attached hereto as **Exhibit 7** are true and correct copies of Exhibits 8, 10, 12, 13, 14 and 21 to the Fairfield Second Amended Complaint filed in the Fairfield Action, [ECF Nos. 286-8, 286-10, 286-12, 286-13, 286-14, and 286-21].

11. Attached hereto as **Exhibit 8** is a true and correct copy of Exhibit G to the Fairfield Settlement Agreement filed in the Fairfield Action, [ECF No. 69-9].

12. Attached hereto as **Exhibit 9** is a true and correct copy of Fairfield Sentry's Memorandum of Association and Articles of Association, filed as an exhibit to the Declaration of William Hare, counsel for the Liquidators of the Fairfield Funds, in the matter captioned *Fairfield Sentry Ltd. v. Cathay Life*, Adv. Pro. No. 11-01259 (Bankr. S.D.N.Y. 2011), [ECF No. 16-6].

13. Collectively attached hereto as **Exhibit 10** are true and correct copies of the following documents:

(a)	Exhibit C to the Amended Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Citibank N.A. et al.</i> , Adv. Pro. No. 10-05345 (Bankr. S.D.N.Y.), [ECF No. 214-3]
(b)	Excerpts from the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Merrill Lynch International</i> , Adv. Pro. No. 10-05346 (Bankr. S.D.N.Y.), [ECF No. 1-1, page 43]
(c)	Exhibit D to the Amended Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Nomura International PLC</i> , Adv. Pro. No. 10-05348 (Bankr. S.D.N.Y.), [ECF No. 42-4]
(d)	Excerpts from the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banco Bilbao Vizcaya Argentaria, S.A.</i> , Adv. Pro. No. 10-05351 (Bankr. S.D.N.Y.), [ECF No. 1-1, page 44]
(e)	Excerpts from the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Pictet at Cie</i> , Adv. Pro. No. 11-01724 (Bankr. S.D.N.Y.), [ECF No. 1, page 24]
(f)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Safra National Bank of New York</i> , Adv. Pro. No. 11-01885 (Bankr. S.D.N.Y.), [ECF No. 13]
(g)	Exhibit K to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque SYZ & Co., S.A.</i> , Adv. Pro. No. 11-02149 (Bankr. S.D.N.Y.), [ECF No. 1-11]
(h)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Abu Dhabi Investment Authority</i> , Adv. Pro. No. 11-02493 (Bankr. S.D.N.Y.), [ECF No. 1-5]

(i)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Orbita Capital Return Strategy Limited</i> , Adv. Pro. No. 11-02537 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(j)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Quilvest Finance Ltd.</i> , Adv. Pro. No. 11-02538 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(k)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Meritz Fire & Marine Insurance Co. Ltd.</i> , Adv. Pro. No. 11-02539 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(l)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Lion Global Investors Limited</i> , Adv. Pro. No. 11-02540 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(m)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. First Gulf Bank</i> , Adv. Pro. No. 11-02541 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(n)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Parson Finance Panama S.A.</i> , Adv. Pro. No. 11-02542 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(o)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Delta National Bank and Trust Company</i> , Adv. Pro. No. 11-02551 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(p)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Unifortune Asset Management SGR SPA et ano.</i> , Adv. Pro. No. 11-02553 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(q)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. National Bank of Kuwait S.A.K.</i> , Adv. Pro. No. 11-02554 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(r)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Cathay Life Insurance Co. LTD</i> , Adv. Pro. No. 11-02568 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(s)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Cathay Life Insurance Co. LTD</i> , Adv. Pro. No. 11-02568 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(t)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Barclays Bank (Suisse) S.A. et al.</i> , Adv. Pro. No. 11-02569 (Bankr. S.D.N.Y.), [ECF No. 1-4]

(u)	Exhibit G to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Barclays Bank (Suisse) S.A. et al.</i> , Adv. Pro. No. 11-02569 (Bankr. S.D.N.Y.), [ECF No. 1-7]
(v)	Exhibit I to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Barclays Bank (Suisse) S.A. et al.</i> , Adv. Pro. No. 11-02569 (Bankr. S.D.N.Y.), [ECF No. 1-9]
(w)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banca Carige S.P.A.</i> , Adv. Pro. No. 11-02570 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(x)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Privée Espirito Santo S.A. formerly known as Compagnie Bancaire Espirito Santo S.A.</i> , Adv. Pro. No. 11-02571 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(y)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Korea Exchange Bank, Individually and as Trustee for Korea Global All Asset Trust I-1, and for Tams Rainbow Trust III</i> , Adv. Pro. No. 11-02572 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(z)	Exhibit D to the Amended Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. The Sumitomo Trust and Banking Co., Ltd.</i> , Adv. Pro. No. 11-02573 (Bankr. S.D.N.Y.), [ECF No. 8-4]
(aa)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. ASB Bank Corp.</i> , Adv. Pro. No. 11-02730 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(bb)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Trincaster Corporation</i> , Adv. Pro. No. 11-02731 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(cc)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bureau of Labor Insurance</i> , Adv. Pro. No. 11-02732 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(dd)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Naidot & Co.</i> , Adv. Pro. No. 11-02733 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(ee)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Caceis Bank, Caceis Bank Luxembourg</i> , Adv. Pro. No. 11-02758 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(ff)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. ABN AMRO Bank N.V. (now known as The Royal Bank of Scotland, N.V.)</i> , Adv. Pro. No. 11-02760 (Bankr. S.D.N.Y.), [ECF No. 1-3]

(gg)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Lighthouse Investment Partners LLC</i> , doing business as Lighthouse Partners, Adv. Pro. No. 11-02762 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(hh)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Lighthouse Investment Partners LLC</i> , doing business as Lighthouse Partners, Adv. Pro. No. 11-02762 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(ii)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Inteligo Bank LTD. Panama Branch, formerly known as Blubank LTD. Panama Branch</i> , Adv. Pro. No. 11-02763 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(jj)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Somers Dublin Limited et al.</i> , Adv. Pro. No. 11-02784 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(kk)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Merrill Lynch Bank (Suisse) SA</i> , Adv. Pro. No. 11-02910 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(ll)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bank Julius Baer & Co. Ltd.</i> , Adv. Pro. No. 11-02922 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(mm)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Falcon Private Bank Ltd. (formerly known as AIG Privat Bank AG)</i> , Adv. Pro. No. 11-02923 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(nn)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Credit Suisse AG et al.</i> , Adv. Pro. No. 11-02925 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(oo)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. LGT Bank in Liechtenstein Ltd.</i> , Adv. Pro. No. 11-02929 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(pp)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. The Public Institution for Social Security.</i> , Adv. Pro. No. 12-01002 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(qq)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Fullerton Capital PTE Ltd.</i> , Adv. Pro. No. 12-01004 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(rr)	Exhibit F to the Amended Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. SICO Limited</i> , Adv. Pro. No. 12-01005 (Bankr. S.D.N.Y.), [ECF No. 14-6]

(ss)	Exhibit F to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banco Itau Europa Luxembourg S.A. et ano.</i> , Adv. Pro. No. 12-01019 (Bankr. S.D.N.Y.), [ECF No. 1-6]
(tt)	Exhibit G to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banco Itau Europa Luxembourg S.A. et ano.</i> , Adv. Pro. No. 12-01019 (Bankr. S.D.N.Y.), [ECF No. 1-7]
(uu)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Grosvenor Investment Management Ltd. et al.</i> , Adv. Pro. No. 12-01021 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(vv)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Grosvenor Investment Management Ltd. et al.</i> , Adv. Pro. No. 12-01021 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(ww)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Grosvenor Investment Management Ltd. et al.</i> , Adv. Pro. No. 12-01021 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(xx)	Exhibit J to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Credit Agricole (Suisse) S.A. et al.</i> , Adv. Pro. No. 12-01022 (Bankr. S.D.N.Y.), [ECF No. 1-10]
(yy)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Arden Asset Management Inc. et al.</i> , Adv. Pro. No. 12-01023 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(zz)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. SNS Bank N.V. et ano.</i> , Adv. Pro. No. 12-01046 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(aaa)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Koch Industries, Inc., as successor in interest to Koch Investment (UK) Company</i> , Adv. Pro. No. 12-01047 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(bbb)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banco General S.A. et ano.</i> , Adv. Pro. No. 12-01048 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(ccc)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Kookmin Bank</i> , Adv. Pro. No. 12-01194 (Bankr. S.D.N.Y.), [ECF No. 1-3]

(ddd)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Six Sis AG</i> , Adv. Pro. No. 12-01195 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(eee)	Exhibit I to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bank Vontobel AG formerly known as Bank J. Vontobel & Co. AG</i> , Adv. Pro. No. 12-01202 (Bankr. S.D.N.Y.), [ECF No. 1-9]
(fff)	Exhibit F to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Multi-Strategy Fund Limited et ano.</i> , Adv. Pro. No. 12-01205 (Bankr. S.D.N.Y.), [ECF No. 1-6]
(ggg)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Lloyds TSB Bank PLC</i> , Adv. Pro. No. 12-01207 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(hhh)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. BSI AG, individually and as successor in interest to Banco Del Gottardo</i> , Adv. Pro. No. 12-01209 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(iii)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. BSI AG, individually and as successor in interest to Banco Del Gottardo</i> , Adv. Pro. No. 12-01209 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(jjj)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Schroder & Co. Bank AG</i> , Adv. Pro. No. 12-01210 (Bankr. S.D.N.Y.), [ECF No. 1-14]
(kkk)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Union Securities Investment Trust Co., Ltd. et al.</i> , Adv. Pro. No. 12-01211 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(lll)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Union Securities Investment Trust Co., Ltd. et al.</i> , Adv. Pro. No. 12-01211 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(mmm)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Union Securities Investment Trust Co., Ltd. et al.</i> , Adv. Pro. No. 12-01211 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(nnn)	Exhibit F to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bank Hapoalim (Switzerland) Ltd. et al.</i> , Adv. Pro. No. 12-01216 (Bankr. S.D.N.Y.), [ECF No. 1-6]

(ooo)	Exhibit G to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bank Hapoalim (Switzerland) Ltd. et al.</i> , Adv. Pro. No. 12-01216 (Bankr. S.D.N.Y.), [ECF No. 1-7]
(ppp)	Exhibit F to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. ZCM Asset Holding Company (Bermuda) LLC</i> , Adv. Pro. No. 12-01512 (Bankr. S.D.N.Y.), [ECF No. 1-6]
(qqq)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Citivic Nominees Ltd.</i> , Adv. Pro. No. 12-01513 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(rrr)	Exhibit F to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Standard Chartered Defendants</i> , Adv. Pro. No. 12-01565 (Bankr. S.D.N.Y.), [ECF No. 1-6]
(sss)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. UKFP (Asia) Nominees Limited</i> , Adv. Pro. No. 12-01566 (Bankr. S.D.N.Y.), [ECF No. 1-2]
(ttt)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. BNP Paribas S.A.</i> , Adv. Pro. No. 12-01576 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(uuu)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. UBS Deutschland AG as successor in interest to Dresdner Bank LateinAmerika AG et ano.</i> , Adv. Pro. No. 12-01577 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(vvv)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. UBS Deutschland AG as successor in interest to Dresdner Bank LateinAmerika AG et ano.</i> , Adv. Pro. No. 12-01577 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(www)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Barfield Nominees Limited</i> , Adv. Pro. No. 12-01669 (Bankr. S.D.N.Y.), [ECF No. 1-9]
(xxx)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Credit Agricole Corporate and Investment Bank doing business as Credit Agricole Private Banking Miami, formerly known as Calyon S.A. doing business as Credit Agricole Miami Private Bank, Successor in Interest to Credit Lyonnais S.A.</i> , Adv. Pro. No. 12-01670 (Bankr. S.D.N.Y.), [ECF No. 1-9]
(yyy)	Exhibit E to the Amended Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Credit Suisse AG, as successor in interest to Clariden Leu AG and Bank Leu AG</i> , Adv. Pro. No. 12-01676 (Bankr. S.D.N.Y.), [ECF No. 12-5]

(zzz)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Societe Generale Private Banking (Suisse) S.A. formerly known as SG Private Banking Suisse S.A. et al.</i> , Adv. Pro. No. 12-01677 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(aaaa)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Intesa Sanpaolo SpA (as Successor in Interest to Banca Intesa SpA) et al.</i> , Adv. Pro. No. 12-01680 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(bbbb)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Intesa Sanpaolo SpA (as Successor in Interest to Banca Intesa SpA) et al.</i> , Adv. Pro. No. 12-01680 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(cccc)	Exhibit G to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. EFG Bank S.A., formerly known as EFG Private Bank S.A. et al.</i> , Adv. Pro. No. 12-01690 (Bankr. S.D.N.Y.), [ECF No. 1-7]
(dddd)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Degroof SA/NV also known as Banque Degroof Bruxelles et al.</i> , Adv. Pro. No. 1201691 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(eeee)	Exhibit D to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Degroof SA/NV also known as Banque Degroof Bruxelles et al.</i> , Adv. Pro. No. 1201691 (Bankr. S.D.N.Y.), [ECF No. 1-4]
(ffff)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Lombard Odier & Cie SA</i> , Adv. Pro. No. 1201693 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(gggg)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Cantonale Vaudoise</i> , Adv. Pro. No. 12-01694 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(hhhh)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Bordier & Cie</i> , Adv. Pro. No. 12-01695 (Bankr. S.D.N.Y.), [ECF No. 1-3]
(iiii)	Exhibit C to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. ABN AMRO Fund Services (Isle of Man) Nominees Limited, formerly known as Fortis (Isle Of Man) Nominees Limited et al.</i> , Adv. Pro. No. 12-01697 (Bankr. S.D.N.Y.), [ECF No. 1-3]

(jjj)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Internationale a Luxembourg S.A. (formerly known as Dexia Banque Internationale a Luxembourg S.A.), individually and as successor in interest to Dexia Nordic Private Bank S.A. et al.</i> , Adv. Pro. No. 12-01698 (Bankr. S.D.N.Y.), [ECF No. 1-5]
(kkkk)	Exhibit E to the Complaint filed in the matter captioned <i>Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC v. Royal Bank of Canada et al.</i> , Adv. Pro. No. 12-01699 (Bankr. S.D.N.Y.), [ECF No. 1-5]

14. Collectively attached hereto as **Exhibit 11** are true and correct copies of Exhibits 5 and 6 to the Fairfield Second Amended Complaint filed in the Fairfield Action, [ECF Nos. 286-5 and 286-6].

15. Attached hereto as **Exhibit 12** is a true and correct copy of the United Kingdom Privy Council’s judgment in *Fairfield Sentry Ltd. v. Migani*, [2014] UKPC 9, *available at* <https://www.jcpc.ukcases/docs/jcpc-2012-0061-judgment.pdf>.

CATHAY’S OUTSTANDING POSITIONS

16. Collectively attached hereto as **Exhibit 13** are certified English translations and true and correct copies of publicly-available information that, in the aggregate, reflect that Cathay held outstanding positions in forward contracts in total contract amounts of no less than \$1,000,000,000 on December 11, 2008 and April 13, 2009, respectively.

17. **Exhibit 13** also includes a true and correct copies a certificate executed by Ruby Fung, a translator employed by Cathay’s Taiwan-based counsel, Baker McKenzie (the collectively “Fung Certificate”). Ex. p. 1. The Fung Certificate certifies that the documents attached are true and accurate copies of certain webpages from a website maintained by the Taiwan Market Observation Post System (“MOPS”). The Fung Certificate further certifies that true and accurate translations of the webpages are also attached.

18. The Fung Certificate bears the signature and attestation of a notary that Ms. Fung's signature is authentic and, thus, that Ms. Fung has confirmed her representations within and attached to the Fung Certificates as true and correct. *Id.*

19. Attached to the Fung Certificate is a true and correct copy of the website of MOPS, specifically the page that reports information for Cathay (the "Cathay MOPS Information Page"), available at the URL: <https://mops.twse.com.tw/mops/web/t15sf>.

20. The undersigned verifies that the Cathay MOPS Information Page was accessible on April 21, 2022, and displayed the information and selection criteria referred to herein on those dates.

21. To access the report from the Cathay Mops Information Page from December 2008 and April 2009, two distinct searches have to be run, but each search will be discussed simultaneously. Generally, the unique identifier for Cathay and certain time specifications must be entered into the three boxes that appear in the middle of the page at the Cathay MOPS Information Page.

22. Specifically, the code "5846" (the unique identifier MOPS assigns to Cathay) must be entered in the first box, to the right of the following text: 公司代號或簡稱. The date code "97" and "98" (corresponding to the year 2008 and 2009) must be entered in the second box, to the right of the following text: 年度.

23. Finally, the number "12" and "4" (corresponding to December and April) must be selected in the dropdown menu from the third box, to the right of the following text: 月份.

24. After making these specifications, clicking the button labeled 查詢, located to the right of the three boxes causes a list of reports to appear in the form of a table (the "Cathay MOPS Report Table").

25. A true and correct copy of the certified translation of the entire webpage on which the Cathay MOPS Reports Table appears is attached to the Fung Certificate. *See* Fung Certificate, p. 1, 3.

26. The report for Cathay is listed in the first row of the Cathay MOPS Report Table and is accessible via a button in the right-most column of the row. The row is labeled with Cathay's unique identifier code, 5846, the following text: 國泰人壽保險股份有限公司, and a button labeled 詳細資料.

27. Upon clicking the button, the MOPS report for certain types of transactions in which Cathay participated as of the end of December 2008 and April 2009 (the "December 2008 Cathay MOPS Report" and "April 2009 Cathay MOPS Report") opens in a pop-up window.

28. A true and correct copy of the certified translation of the entire December 2008 Cathay MOPS Report and April 2009 Cathay MOPS Report is attached to the Fung Certificate. Fung Certificate, p. 3, 5-6.

29. Immediately above the first row in the translation of the December 2008 Cathay MOPS Report and April 2009 Cathay MOPS Report is a note that the amounts stated in the table are expressed in the unit "TWD 1,000" which corresponds to 1,000 Taiwanese dollars. *Id.*

30. The December 2008 Cathay MOPS Report shows that as of December 2008, Cathay held outstanding positions in swap agreements in the total contract amount of TWD 390,285,657 (the "December 2008 TWD Swap Total"). Fung Certificate, p. 3, fourth row in table, "Swap" column.

31. The December 2008 Cathay MOPS Report shows that Cathay held outstanding positions in forward contracts in the total contract amount of TWD 368,144,377 (the "December

2008 TWD Forward Total”). Fung Certificate, p. 3, fourth row at top of page, “Forward Contract” column.

32. The April 2009 Cathay MOPS Report shows that, Cathay held outstanding positions in swap agreements in the total contract amount of TWD 404,196,016 (the “April 2009 TWD Swap Total”). *See* Fung Certificate, p. 5, 6 third fourth in both tables, “Swap” column (two “Total Contract Sum” “Swap” amounts are $42,027,815 + 362,168,201 = 404,196,016$ thousand Taiwan dollars).

33. The April 2009 Cathay MOPS Report shows that Cathay held outstanding positions in forward contracts in the total contract amount of TWD 329,462,631 (the “April 2009 TWD Forward Total”). *See* Fung Certificate, p. 5, fourth row at top of page, “Forward Contract” column.

34. Attached to this declaration as **Exhibit 14-A** and **Exhibit 14-B** are true and correct copies of the webpage available at the following URLs the (“Exchange Rate Pages”): <https://exchangerates.org/usd/twd/in-2008> (the “Exchange Rate Page for December 2008”) and the <https://exchangerates.org/usd/twd/in-2009> (the “Exchange Rate Page for April 2009”).

35. The undersigned verified that the Exchange Rate Pages were accessible on March 21, 2022 and displayed the information and selection criteria referred to herein on that date.

36. The bottom-most row in the Exchange Rate Page for December 2008 displays a table shows that on December 11, 2008, the Taiwan Dollar closed at an exchange rate of 33.29 TWD per 1 USD (the “December 11, 2008 Exchange Rate”). Exchange Rate Page for December 2008 p. 3.

37. Applying the December 11, 2008 Exchange Rate to the TWD Swap Total shows that as of December, 2008, Cathay held outstanding positions in swap agreements in the total

contract amount of USD \$12,992,609,521.53, which is not less than \$1,000,000,000 in notional or actual principal amount outstanding positions.

38. The fourth row in the Exchange Rate Page for April 2009 table shows that on April 13, 2009, the Taiwan Dollar closed at an exchange rate of 33.72 TWD per 1 USD (the “April 13, 2009 Exchange Rate”). Exchange Rate Page for April 2009, p.2.

39. Applying the April 13, 2009 Exchange Rate to the April 2009 TWD Forward Total shows that as of April, 2009, Cathay held outstanding positions in forward contracts in the total contract amount of USD \$13,629,489,659.52 which is not less than \$1,000,000,000 in notional or actual principal amount outstanding positions.

**CALCULATIONS OF AMOUNTS SOUGHT BY THE
TRUSTEE IN CERTAIN ADVERSARY PROCEEDINGS**

40. Set forth below is a chart calculating the sum total of amounts claimed by the Trustee in adversary proceedings commenced in this Court as subsequent transfers allegedly received by the defendants listed below directly from Fairfield Sentry after May 9, 2003,¹ as reflected in the Trustee’s complaints and/or exhibits thereto included in **Exhibit 10**:²

ADV. PROC.	DEFENDANT(S)	AMOUNT
10-05345	Citibank, N.A., et al	(\$100,000,000)
10-05346	Merrill Lynch International	(\$14,200,000)
10-05348	Nomura International PLC	(\$20,013,186)

¹ According to Exhibit C to the Complaint in this adversary proceeding (Exhibit 1 hereto), May 9, 2003 is the date of the first alleged BLMIS-to-Fairfield Sentry initial transfer within the six-year lookback period (calculating back from the Filing Date of December 11, 2008).

² Where applicable, the numbers in this chart have been adjusted to reflect the dismissal of certain claims in the adversary proceedings identified below, pursuant to the following: (i) Stipulation and Order entered on December 21, 2021, in the matter captioned *Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC v. The Public Institution for Social Security*, Adv. Pro. No. 12-01002 (Bankr. S.D.N.Y.), ECF No. 111; (ii) Stipulation and Order entered on January 27, 2022, in the matter captioned *Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC v. Banque Lombard Odier & Cie SA*, Adv. Pro. No. 12-01693 (Bankr. S.D.N.Y.), ECF No. 87; (iii) Stipulation and Order entered on February 22, 2022, in the matter captioned *Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC v. Schroder & Co. Bank AG*, Adv. Pro. No. 1201210 (Bankr. S.D.N.Y.), ECF No. 89.

ADV. PROC.	DEFENDANT(S)	AMOUNT
10-05351	Banco Bilbao Vizcaya Argentaria, S.A.	(\$45,000,000)
11-01724	Pictet et Cie.	(\$50,386,685)
11-01885	Safra New York	(\$95,853,574)
11-02149	Banque Syz & Co., SA	(\$15,449,241)
11-02493	Abu Dhabi Investment Authority	(\$300,000,000)
11-02537	Orbita	(\$30,662,226)
11-02538	Quilvest Finance Ltd.	(\$37,800,113)
11-02539	Meritz Fire & Insurance Co. Ltd.	(\$21,855,898)
11-02540	Lion Global Investors Limited	(\$50,583,442)
11-02541	First Gulf Bank	(\$11,532,393)
11-02542	Parson Finance Panama S.A.	(\$11,089,081)
11-02551	Delta National Bank and Trust Company	(\$20,634,958)
11-02553	Unifortune Asset Management SGR SpA, et al.	(\$16,355,650)
11-02554	National Bank of Kuwait S.A.K.	(\$18,724,399)
11-02568	Cathay Life Insurance Co. LTD.	(\$24,496,799)
11-02568	Cathay Bank	(\$17,206,126)
11-02569	Barclays Private Bank	(\$820,636)
11-02569	Barclays Spain	(\$4,719,252)
11-02569	Barclays Bank (Suisse) S.A. et al.	(\$37,973,175)
11-02570	Banca Carige S.P.A.	(\$10,532,489)
11-02571	BPES	(\$11,426,745)
11-02572	Korea Exchange Bank	(\$33,593,106)
11-02573	The Sumitomo Trust and Banking Co., Ltd.	(\$54,253,642)
11-02730	Atlantic Security Bank	(\$120,168,691)
11-02731	Trincaster Corporation	(\$13,311,800)
11-02732	Bureau of Labor Insurance	(\$42,123,406)
11-02733	Naidot & Co.	(\$13,654,907)
11-02758	Caceis Bank Luxembourg, et al.	(\$24,052,228)
11-02760	ABN Amro Bank N.V., et al.	(\$2,808,105)
11-02762	Lighthouse Diversified	(\$7,913,873)
11-02762	Lighthouse Supercash	(\$3,251,378)
11-02763	Inteligo Bank LTD.	(\$10,745,160)
11-02784	Somers Dublin Limited et al.	(\$1,985,648)
11-02910	Merrill Lynch Bank (Suisse) SA	(\$44,127,787)
11-02922	Bank Julius Baer & Co. Ltd.	(\$35,258,617)
11-02923	Falcon Private Bank Ltd.	(\$38,675,129)
11-02925	Credit Suisse AG et al.	(\$256,629,647)
11-02929	LGT Bank in Liechtenstein Ltd.	(\$10,350,118)

ADV. PROC.	DEFENDANT(S)	AMOUNT
12-01002	The Public Institution For Social Security	(\$20,000,000)
12-01004	Fullerton Capital PTE Ltd.	(\$10,290,445)
12-01005	SICO LIMITED	(\$14,544,620)
12-01019	Banco Itau Europa Luxembourg S.A., et al.	(\$60,595,069)
12-01019	Banco Itau International	(\$9,969,942)
12-01021	Grosvenor Aggressive	(\$4,191,288)
12-01021	Grosvenor Balanced	(\$13,000,000)
12-01021	Grosvenor Private	(\$14,315,101)
12-01022	Credit Agricole (Suisse) SA	(\$15,654,127)
12-01023	Arden Asset Management, et al.	(\$12,586,659)
12-01046	SNS Bank N.V. et al.	(\$21,060,551)
12-01047	KOCH INDUSTRIES, INC.,	(\$21,533,871)
12-01048	Banco General S.A. et al.	(\$8,240,499)
12-01194	Kookmin Bank	(\$42,010,303)
12-01195	Six Sis AG	(\$379,248)
12-01202	Bank Vontobel AG et. al.	(\$8,470,371)
12-01205	Multi Strategy Fund Ltd., et al.	(\$25,763,374)
12-01207	Lloyds TSB Bank PLC	(\$11,134,574)
12-01209	BSI AG	(\$27,452,138)
12-01209	Banca del Gottardo	(\$20,058,735)
12-01210	Schroder & Co.	(\$25,116,802)
12-01211	Union Securities Investment Trust Co., Ltd., et al.	(\$6,477,447)
12-01211	Union Global Fund	(\$9,283,664)
12-01211	Union Strategy Fund	(\$1,445,016)
12-01216	Bank Hapoalim Switzerland	(\$20,047,109)
12-01216	Bank Hapoalim B.M.	(\$1,712,100)
12-01512	ZCM Asset Holding Co (Bermuda) LLC	(\$24,491,791)
12-01513	CITIVIC	(\$59,479,232)
12-01565	Standard Chartered Financial Services (Luxembourg) SA, et al.	(\$275,267,978)
12-01566	UKFP (Asia) Nominees	(\$8,012,183)
12-01576	BNP Paribas S.A. et al	(\$3,423,188)
12-01577	UBS Deutschland AG, et al.	(\$7,230,511)
12-01577	LGT Switzerland	(\$522,826)
12-01669	Barfield Nominees Limited et al	(\$16,178,329)
12-01670	Credit Agricole Corporate and Investment Bank/BBH	(\$26,121,583)
12-01676	Clariden Leu AG	(\$35,838,401)
12-01677	Societe General Private Banking (Suisse) SA, et al.	(\$128,678,138)

ADV. PROC.	DEFENDANT(S)	AMOUNT
12-01680	Intesa Sanpaolo SpA-Low Volatility	(\$7,913,079)
12-01680	Intesa Sanpaolo SpA-Medium Volatility	(\$3,740,436)
12-01690	EFG Bank S.A., et al.	(\$201,594,824)
12-01691	Banque Degroof Luxembourg	(\$1,303,203)
12-01691	Banque Degroof	(\$58,473)
12-01693	Banque Lombard Odier & Cie	(\$93,511,466)
12-01694	Banque Cantonale Vaudoise	(\$9,769,927)
12-01695	Bordier & Cie	(\$7,928,454)
12-01697	ABN AMRO Fund Services (Isle of Man) Nominees Limited, et al.	(\$122,001,935)
12-01698	Banque International a Luxembourg SA/Dexia	(\$61,515,524)
12-01699	Royal Bank of Canada, et al.	(\$38,182,649)
	Total Sentry Six-Year Transfers to Investors	(\$3,238,316,493)
	Less Pre-May 9, 2003 transfers	\$66,839,526
	Total Sentry Six-Year Transfers to Investors After First Potentially Avoidable Sentry Initial Transfer (May 9, 2003)	(\$3,171,476,967)

41. Set forth below is a chart calculating the sum total of amounts claimed by the Trustee in the Fairfield Action as subsequent transfers allegedly received by the defendants listed below directly from Fairfield Sentry after May 9, 2003, as reflected in Exhibits 8, 10, 12, 13, 14, and 21 to the Fairfield Second Amended Complaint, collectively attached as **Exhibit 7** hereto:

EXHIBIT NO.	DEFENDANT(S)	AMOUNT
286-8	Fif Advanced Limited	(\$45,206,428)
286-10	Fairfield Investment Fund Limited	(\$337,718,887)
286-12	Fairfield Greenwich Limited	(\$87,440,586)
286-13	Fairfield Greenwich (Bermuda) Limited	(\$611,613,040)
286-14	Fairfield Greenwich Advisors	(\$56,013,598)
286-21	Amit Vijayvergiya	(\$955,465)
	Total Sentry Six-Year Transfers to Investors	(\$1,138,948,004)
	Less Pre-May 9, 2003 transfers	\$103,688,693
	Total Sentry Six-Year Transfers to Investors After First Potentially Avoidable Sentry Initial Transfer (May 9, 2003)	(\$1,035,259,311)

42. Set forth below is a chart reflecting the transfers made directly by Fairfield Sentry to the entities listed below between May 9, 2003, and September 30, 2003, as alleged in the complaints and/or exhibits thereto included in **Exhibits 10** and **11** hereto:

DEFENDANT	ADV. PRO. NO.	DATE	AMOUNT
Quilvest	11-02538	5/14/2003	(\$168,554)
Quilvest	11-02538	5/14/2003	(\$210,313)
Quilvest	11-02538	5/14/2003	(\$311,518)
Delta Bank	11-02551	5/14/2003	(\$73,217)
Delta Bank	11-02551	5/14/2003	(\$100,952)
Delta Bank	11-02551	5/14/2003	(\$111,651)
Delta Bank	11-02551	5/14/2003	(\$696,496)
MLBS	11-02910	5/14/2003	(\$504,029)
MLBS	11-02910	5/14/2003	(\$1,500,000)
MLBS	11-02910	5/14/2003	(\$2,498,558)
BJB	11-02922	5/14/2003	(\$1,954,536)
Credit Suisse London Nominees Limited	11-02925	5/14/2003	(\$2,159,026)
Credit Suisse Nominees (Guernsey) Limited	11-02925	5/14/2003	(\$401,103)
Credit Suisse London Nominees Limited	11-02925	5/14/2003	(\$36,000)
LGT Liechtenstein	11-02929	5/14/2003	(\$500,974)
SNS Defendants	12-01046	5/14/2003	(\$641,531)
Lloyds	12-01207	5/14/2003	(\$2,093,660)
Lloyds	12-01207	5/14/2003	(\$247,494)
BSI	12-01209	5/14/2003	(\$191,989)
BSI	12-01209	5/14/2003	(\$238,192)
BSI	12-01209	5/14/2003	(\$266,369)
BSI	12-01209	5/14/2003	(\$621,629)
Banca Del Gottardo	12-01209	5/14/2003	(\$270,407)
Banca Del Gottardo	12-01209	5/14/2003	(\$1,401,608)
ZCM	12-01512	5/14/2003	(\$360,000)
Citivic	12-01513	5/14/2003	(\$103,656)
UKFP	12-01566	5/14/2003	(\$125,144)
Clariden	12-01676	5/14/2003	(\$84,331)
EFG Bank	12-01690	5/14/2003	(\$10,440,439)
EFG Bank	12-01690	5/14/2003	(\$5,803,800)
EFG Bank	12-01690	5/14/2003	(\$285,234)
EFG Bank	12-01690	5/14/2003	(\$279,420)
EFG Bank	12-01690	5/14/2003	(\$207,312)
EFG Bank	12-01690	5/14/2003	(\$170,077)
EFG Bank	12-01690	5/14/2003	(\$72,108)
Lombard Odier	12-01693	5/14/2003	(\$345,219)
Lombard Odier	12-01693	5/14/2003	(\$135,203)

DEFENDANT	ADV. PRO. NO.	DATE	AMOUNT
Fairfield Lambda	09-1239	5/14/2003	(\$1,100,000)
Fairfield Sigma	09-1239	5/14/2003	(\$1,800,000)
ZCM	12-01512	5/19/2003	(\$1,300,000)
Credit Suisse, Nassau Branch LATAM Investment Banking	11-02925	5/20/2003	(\$93,029)
Naidot	11-02733	6/16/2003	(\$1,000,000)
MLBS	11-02910	6/16/2003	(\$25,000)
BJB	11-02922	6/16/2003	(\$300,287)
Credit Suisse London Nominees Limited	11-02925	6/16/2003	(\$100,000)
Credit Suisse AG, Nassau Branch	11-02925	6/16/2003	(\$71,259)
Credit Suisse London Nominees Limited	11-02925	6/16/2003	(\$20,802)
Credit Suisse London Nominees Limited	11-02925	6/16/2003	(\$20,000)
LGT Liechtenstein	11-02929	6/16/2003	(\$72,797)
Agricole Suisse	12-01022	6/16/2003	(\$179,708)
SNS Defendants	12-01046	6/16/2003	(\$170,654)
Bank Vontobel	12-01202	6/16/2003	(\$227,490)
BSI	12-01209	6/16/2003	(\$113,745)
BSI	12-01209	6/16/2003	(\$180,190)
BSI	12-01209	6/16/2003	(\$255,335)
ZCM	12-01512	6/16/2003	(\$170,000)
Citivic	12-01513	6/16/2003	(\$496,838)
UKFP	12-01566	6/16/2003	(\$199,763)
UKFP	12-01566	6/16/2003	(\$46,180)
Bank Leu	12-01676	6/16/2003	(\$51,868)
Low Volatility	12-01680	6/16/2003	(\$1,000,000)
EFG Bank	12-01690	6/16/2003	(\$1,968,406)
EFG Bank	12-01690	6/16/2003	(\$655,000)
EFG Bank	12-01690	6/16/2003	(\$505,273)
EFG Bank	12-01690	6/16/2003	(\$382,274)
EFG Bank	12-01690	6/16/2003	(\$133,882)
EFG Bank	12-01690	6/16/2003	(\$120,169)
EFG Bank	12-01690	6/16/2003	(\$90,996)
EFG Bank	12-01690	6/16/2003	(\$82,688)
EFG Bank	12-01690	6/16/2003	(\$42,859)
EFG Bank	12-01690	6/16/2003	(\$38,983)
Bordier	12-01695	6/16/2003	(\$1,144,165)
ZCM	12-01512	6/18/2003	(\$750,000)
Quilvest	11-02538	7/16/2003	(\$54,186)
Quilvest	11-02538	7/16/2003	(\$2,471,566)
Delta Bank	11-02551	7/16/2003	(\$404,373)
Delta Bank	11-02551	7/16/2003	(\$2,493,614)
Inteligo	11-02763	7/16/2003	(\$2,336,175)
MLBS	11-02910	7/16/2003	(\$1,529,000)

DEFENDANT	ADV. PRO. NO.	DATE	AMOUNT
BJB	11-02922	7/16/2003	(\$610,990)
Credit Suisse London Nominees Limited	11-02925	7/16/2003	(\$1,684,206)
Credit Suisse London Nominees Limited	11-02925	7/16/2003	(\$788,344)
Credit Suisse Nominees (Guernsey) Limited	11-02925	7/16/2003	(\$693,868)
Sico	12-01005	7/16/2003	(\$73,522)
Sico	12-01005	7/16/2003	(\$77,189)
Sico	12-01005	7/16/2003	(\$82,428)
Agricole Suisse	12-01022	7/16/2003	(\$186,572)
SNS Defendants	12-01046	7/16/2003	(\$2,215,212)
Lloyds	12-01207	7/16/2003	(\$336,843)
BSI	12-01209	7/16/2003	(\$119,134)
BSI	12-01209	7/16/2003	(\$148,763)
BSI	12-01209	7/16/2003	(\$260,940)
UKFP	12-01566	7/16/2003	(\$302,756)
UKFP	12-01566	7/16/2003	(\$167,640)
UKFP	12-01566	7/16/2003	(\$100,735)
UKFP	12-01566	7/16/2003	(\$76,224)
UKFP	12-01566	7/16/2003	(\$74,625)
UKFP	12-01566	7/16/2003	(\$56,787)
UKFP	12-01566	7/16/2003	(\$47,293)
UKFP	12-01566	7/16/2003	(\$35,153)
SG Equilibrium	12-01677	7/16/2003	(\$32,270,698)
Lyxor Premium	12-01677	7/16/2003	(\$8,580,866)
SG Audace	12-01677	7/16/2003	(\$1,223,229)
SG Premium	12-01677	7/16/2003	(\$973,253)
EFG Bank	12-01690	7/16/2003	(\$1,594,867)
EFG Bank	12-01690	7/16/2003	(\$1,447,307)
EFG Bank	12-01690	7/16/2003	(\$476,480)
EFG Bank	12-01690	7/16/2003	(\$476,480)
EFG Bank	12-01690	7/16/2003	(\$266,886)
EFG Bank	12-01690	7/16/2003	(\$238,240)
EFG Bank	12-01690	7/16/2003	(\$51,015)
EFG Bank	12-01690	7/16/2003	(\$35,024)
Lombard Odier	12-01693	7/16/2003	(\$6,027,000)
Lombard Odier	12-01693	7/16/2003	(\$5,615,477)
Bordier	12-01695	7/16/2003	(\$1,497,385)
RBC-Dominion	12-01699	7/16/2003	(\$367,180)
Fairfield Lambda	09-1239	7/16/2003	(\$250,000)
Fairfield Sigma	09-1239	7/16/2003	(\$3,000,000)
Quilvest	11-02538	8/15/2003	(\$113,360)
Barclays Suisse	11-02569	8/15/2003	(\$26,317)
MLBS	11-02910	8/15/2003	(\$265,810)
MLBS	11-02910	8/15/2003	(\$300,750)

DEFENDANT	ADV. PRO. NO.	DATE	AMOUNT
MLBS	11-02910	8/15/2003	(\$1,971,100)
MLBS	11-02910	8/15/2003	(\$6,386,104)
Credit Suisse (Luxembourg) SA	11-02925	8/15/2003	(\$1,000,000)
Credit Suisse London Nominees Limited	11-02925	8/15/2003	(\$708,540)
Credit Suisse London Nominees Limited	11-02925	8/15/2003	(\$154,873)
Credit Suisse AG, Nassau Branch	11-02925	8/15/2003	(\$149,727)
Credit Suisse London Nominees Limited	11-02925	8/15/2003	(\$93,224)
Credit Suisse London Nominees Limited	11-02925	8/15/2003	(\$56,410)
Sico	12-01005	8/15/2003	(\$32,628)
Sico	12-01005	8/15/2003	(\$237,721)
Sico	12-01005	8/15/2003	(\$384,083)
BSI	12-01209	8/15/2003	(\$183,894)
BSI	12-01209	8/15/2003	(\$320,364)
ZCM	12-01512	8/15/2003	(\$130,000)
Citivic	12-01513	8/15/2003	(\$149,158)
Citivic	12-01513	8/15/2003	(\$24,238)
UKFP	12-01566	8/15/2003	(\$66,776)
Clariden	12-01676	8/15/2003	(\$63,113)
SG Suisse	12-01677	8/15/2003	(\$2,865,901)
EFG Bank	12-01690	8/15/2003	(\$150,000)
Lombard Odier	12-01693	8/15/2003	(\$1,598,288)
Lombard Odier	12-01693	8/15/2003	(\$1,584,808)
Bordier	12-01695	8/15/2003	(\$203,079)
RBC-Dominion	12-01699	8/15/2003	(\$88,507)
RBC-Jersey	12-01699	8/15/2003	(\$50,000)
Fairfield Lambda	09-1239	8/15/2003	(\$1,700,000)
Fairfield Sigma	09-1239	8/15/2003	(\$700,000)
Safra	11-01885	9/17/2003	(\$130,664)
Safra	11-01885	9/17/2003	(\$146,127)
Quilvest	11-02538	9/17/2003	(\$1,495,385)
Delta Bank	11-02551	9/17/2003	(\$140,353)
MLBS	11-02910	9/17/2003	(\$320,079)
MLBS	11-02910	9/17/2003	(\$964,543)
BJB	11-02922	9/17/2003	(\$18,686)
BJB	11-02922	9/17/2003	(\$1,595,815)
Credit Suisse London Nominees Limited	11-02925	9/17/2003	(\$1,992,900)
BSI	12-01209	9/17/2003	(\$14,015)
ZCM	12-01512	9/17/2003	(\$380,000)
Clariden	12-01676	9/17/2003	(\$750,000)
Clariden	12-01676	9/17/2003	(\$46,398)
Clariden	12-01676	9/17/2003	(\$35,000)
SG Suisse	12-01677	9/17/2003	(\$633,000)
Lombard Odier	12-01693	9/17/2003	(\$725,171)

DEFENDANT	ADV. PRO. NO.	DATE	AMOUNT
Lombard Odier	12-01693	9/17/2003	(\$140,148)
Bordier	12-01695	9/17/2003	(\$3,272,168)
Bordier	12-01695	9/17/2003	(\$127,067)
Fairfield Lambda	09-1239	9/17/2003	(\$1,300,000)
Fairfield Lambda	09-1239	9/17/2003	(\$2,100,000)
Fairfield Sigma	09-1239	9/17/2003	(\$2,600,000)
Fairfield Sigma	09-1239	9/17/2003	(\$10,500,000)
TOTAL			(\$183,527,206)

REQUEST FOR JUDICIAL NOTICE

43. Pursuant to Federal Rule of Evidence 201(c)(2), Cathay respectfully requests that the Court take judicial notice of the documents attached hereto as Exhibits 2 to 11, inclusive, as well as other documents referred to in the Memoranda that were filed in the Fairfield Action or, in certain adversary proceedings, by the Fairfield Liquidators, for the purpose of considering those documents in adjudicating the Motion. The grounds for this request, including applicable precedents, are set forth in the Memorandum (*e.g.* Memorandum at 3. n.4.). Cathay requests that the Court take judicial notice of the fact of the filing of these documents and (where applicable) statements and admissions of the Trustee or the Fairfield Liquidators contained therein. Cathay further request that the Court take judicial notice of the truth of the facts set forth in the public record materials attached as Exhibits 13 to 14, as those facts are “not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 25, 2022, in Dallas, Texas.

/s/David Parham
David Parham